

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BACKPAGE.COM, LLC,

Plaintiff,

v.

ROB MCKENNA, Attorney General of the
State of Washington; *et al.*

Defendants, in their
official capacities.

No. 2:12-cv-00954-RSM

**STIPULATION AND ORDER
TO DISMISS CLAIMS
AGAINST STEVENS
COUNTY PROSECUTING
ATTORNEY TIM
RASMUSSEN**

STIPULATION

The undersigned parties, by and through their counsel of record, hereby stipulate and agree as follows:

WHEREAS, Backpage.com, LLC (“Backpage.com”) has filed this action seeking a declaration that Washington Senate Bill 6251 (“SB 6251”) violates the Communications Decency Act, 47 U.S.C. § 230, and the United States Constitution and seeking to preliminarily and permanently enjoin enforcement of SB 6251;

WHEREAS, the Court entered a Temporary Restraining Order enjoining enforcement of SB 6251, which will remain in effect until the Court decides Backpage.com’s pending motion for a preliminary injunction (Dkt. No. 17);

1 WHEREAS, Backpage.com is entitled to seek recovery of its attorneys' fees and
2 costs under 42 U.S.C. § 1988 if it prevails on its claims under 42 U.S.C. § 1983 in this
3 action, and fees and costs ordinarily are awarded in such circumstances;

4 WHEREAS, Defendant Stevens County Prosecuting Attorney Tim Rasmussen does
5 not intend to defend SB 6251 or to defend against any of the claims or allegations in this
6 action, and intends and agrees that he and his office will not bring charges or take any other
7 action to enforce SB 6251 during the pendency of this action (including through the
8 conclusion of any appeals);

9 WHEREAS, the Court has concluded that Backpage.com has shown a likelihood of
10 success on the merits of its claims, and

11 WHEREAS, Defendant Rasmussen does not wish to contest that conclusion or
12 Backpage.com's requests for declaratory and injunctive relief, and does not wish to be
13 liable for attorneys' fees and costs that may be awarded to Backpage.com.

14 IT IS HEREBY STIPULATED AND AGREED, as follows:

15 1. Defendant Rasmussen will not defend SB 6251 or defend against any of the
16 claims or allegations in this action or bring charges or take any other action to enforce SB
17 6251 during the pendency of this action (including through the conclusion of any appeals);

18 2. Backpage.com will not seek to enforce any award of attorneys' fees or costs
19 incurred in this action against Defendant Rasmussen or Stevens County;

20 3. Defendant Rasmussen will be dismissed from this action without prejudice;

21 4. Nothing herein shall prejudice the rights of Defendant Rasmussen and
22 Stevens County to enforce SB 6251 if the law is declared valid after final judgment and the
23 conclusion of any appeals in this action; and

24 5. Nothing herein shall prejudice the rights of Backpage.com or any other parties to
25 defend against any prosecution brought by Defendant Rasmussen or Stevens County under
26 SB 6251 if the law is declared valid, including without limitation rights to challenge the law
27

as applied on Constitutional grounds, as a violation of the Communications Decency Act,
47 U.S.C. § 230, or on any other grounds.

DATED this 2nd day of July, 2012.

DAVIS WRIGHT TREMAINE LLP
Attorneys for Backpage.com, LLC

By s/ James C. Grant

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TIM RASMUSSEN
Stevens County Prosecuting Attorney

By s/

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ORDER

Based on the forgoing Stipulation, IT IS HEREBY ORDERED:

All claims in this action against Stevens County Prosecuting Attorney Tim Rasmussen shall be and hereby are DISMISSED without prejudice, and with each party to bear its own fees and costs.

DATED this 10 day of July, 2012.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

Presented by:

DAVIS WRIGHT TREMAINE LLP
Attorneys for Backpage.com, LLC

By s/ James C. Grant
James C. Grant, WSBA # 15358
Ambika K. Doran, WSBA # 38237

TIM RASMUSSEN
Stevens County Prosecuting Attorney

By s/
Tim Rasmussen, WSBA # ____
Lloyd Nickel, WSBA # ____